

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:24-CV-00731-M

JEFFERSON GRIFFIN,

Plaintiff,

v.

NORTH CAROLINA STATE
BOARD OF ELECTIONS,

Defendant,

and

NORTH CAROLINA ALLIANCE
FOR RETIRED AMERICANS et al.,

Intervenor-Defendants.

ORDER

This matter comes before the court after a mandate from the United States Court of Appeals for the Fourth Circuit took effect. *See* DE 34 (reflecting docketing date of “02/26/2025”); *see also id.* at 3. On February 4, 2025, the Fourth Circuit affirmed in part and affirmed and modified in part this court’s order abstaining and remanding this matter to the Wake County Superior Court. DE 30 at 9-11; *see also* DE 24 at 1 (referencing analysis from Docket Entry 50 in Case No. 5:24-CV-00724-M); *Jefferson Griffin v. North Carolina State Board of Elections, et al.*, Case No. 5 :24-CV-00724-M, DE 50 at 20-26. In accordance with the Fourth Circuit’s order, this court MODIFIES “its order to” abstain under *Railroad Commission of Texas v. Pullman Company*, 312 U.S. 496 (1941), and therefore “expressly retain[s] jurisdiction of the federal issues identified in [Defendant’s] notice of removal should those issues remain after the resolution of the state court proceedings, including any appeals.” DE 30 at 11.

Nothing in this order should be construed as a limit upon the parties to invoke those federal issues in state court (subject to an appropriate *England*-reservation). *England v. Louisiana State Bd. of Med. Examiners*, 375 U.S. 411, 421-23 & n.13 (1964).

SO ORDERED this 26th day of February, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE